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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,951	07/21/2003	John D. Youngs	1-73990	4618

27377 7590 12/28/2005

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

EXAMINER

ORTIZ, ANGELA Y

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,951

Applicant(s)

YOUNGS ET AL.

Examiner

Angela Ortiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,7,11-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,7,11-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21, 22, 3, 4, 7, 11-18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al., US 2003/0067100 A1 (of record) in view of King et al., USP 5,188,787.

The cited primary reference substantially teaches the basic claimed method of heating a material 1 (claims 22, 11 – see paragraph [0015]), which may be a laminate of foam and other plastic materials including an olefin layer and foam (claims 14-17 – see paragraph [0022]), and placing the heated material within a patterned mold cavity (claim 7 – paragraph [0015] between male die 8, readable on a core, and a female die 9. The laminate is drawn by vacuum into the cavity, and a resin, which forms a second portion, is supplied to the mold cavity by injection or low pressure (claims 3 and 4 – see paragraph [0021, 0029]), thus forming a composite with a patterned surface. Note that the vacuum drawing step is readable on providing a formed material prior to injecting. Note that all materials used are thermoplastic, and may include olefin elastomer, polypropylene foam, and polyethylene for example. See paragraphs [0017], [0018], [0020-0022], [0026-0029].

The cited primary reference does not teach a vehicle trim component preliminarily deformed by the mold, heating within the mold, rigid characteristics for the second material, or pouring.

Pouring is conventional in the art and is deemed readable on the low pressure molding application set forth in the applied primary reference as noted in the rejection above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to pour the resin into the mold for avoiding crushing of the laminate or other damage caused by injection pressures.

The secondary reference to King teaches as conventional a similar method of molding a multilayer plastic component wherein the downward movement of the upper mold into the lower mold deforms a heated film. Such movement allows stretching of the film and prevents wrinkling of the film. The film is coated with a bond promoting material for uniting with the injected resin; see col. 6, lines 1-15. The injected resin is preferably polypropylene, which is the same material disclosed in the instant specification, and is deemed to provide the claimed rigid characteristics; see col. 5, lines 52-65. Note that the heating desired is not limited, although preferred, to outside the mold, see col. 4, lines 52-56.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a preliminary deforming step as taught in the added reference, when performing the process set forth in the primary reference, for stretching and preventing wrinkling of the film. To heat within the mold is well known in the art and would have been obvious to one of ordinary skill in the art at the time the invention was

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made as an equivalent alternative to the heating disclosed in both references. To further include a second material with rigid characteristics is deemed obvious from the use of polypropylene, which is the same material disclosed by the applicant.

With respect to the name of the component part, particularly the claimed 'vehicle trim component', note that such does not impart patentability to the claimed method. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The component parts of both references are deemed to have industrial applicability to vehicle trim components.

Response to Arguments

Applicant's arguments with respect to claims 3, 4, 7, 11-18, 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Note that the issues raised in the arguments filed have been addressed in the new art rejection of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP 4239727.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 571-272-1206. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Angela Ortiz
Primary Examiner
Art Unit 1732

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